IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 6TH MARCH 2007 / 15TH PHALGUNA 1928

WP(C).No. 3247 of 2007(J)

PETITIONER:

PRADEEP KUMAR.K., `VENU VIHAR',
PADANILAM, CHIRAYINKEEZHU, THIRUVANANTHAPURAM.

BY ADV. SRI.ELVIN PETER P.J.
SRI.C.X.ANTONY BENEDICT

RESPONDENTS:
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1. THE STATE OF KERALA, REPRESENTED BY
ITS CHIEF SECRETARY, SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE STATE OF KERALA, REPRESENTED
BY ITS SECRETARY, HIGHER EDUCATION DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

3. THE DIRECTOR OF COLLEGIATE EDUCATION,
THIRUVANANTHAPURAM.

4. THE KERALA PUBLIC SERVICE COMMISSION,
REPRESENTED BY ITS SECRETARY, PATTOM,
THIRUVANANTHAPURAM.

R1 TO R3 BY GOVERNMENT PLEADER (SHRI A. J. VARGHESE)
R4 BY ADV. SHRI P.C. SASIDHARAN, SC, KPSC.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 3247 OF 2007 J

Dated this the 6th March, 2007

JUDGMENT

Heard the learned counsel appearing for the parties. Case of the petitioner, in brief, is as follows:

The fourth respondent, Public Service Commission issued a Notification relating to appoint of Lecturers in Commerce. Petitioner is included in the rank list. According to him, the first respondent, after considering the requirement of teachers in the Department, decided to create thirty posts. But, what remains is only issuance of formal order giving final sanction. According to petitioner, first respondent is legally bound to pass appropriate orders to enable the Department to fill up the posts. Reliance is placed on the stand of the UGC to the effect that the posts of Lecturers have to be filled up on regular basis and the same cannot be filled up by appointment of Guest Lecturers. Accordingly, the petitioner prays for a direction to respondents 1 and 2 to give approval and sanction for creation of thirty posts

of Lecturers in Commerce. The further prayer is to direct the first respondent to give effect to the decision of the Government to create thirty posts of Lecturers in Commerce by issuing appropriate orders so as to enable the third respondent to report the said vacancies to the fourth respondent to report the said vacancies to the fourth respondent for advice and appointment from Ext.P1 rank list.

2. Accordingly if the petitioner makes a representation before first respondent regarding sanction for creation of thirty posts of Lecturers in Commerce within three weeks from today, the first respondent will consider and take a decision on the same in accordance with law, within a further period of one month from the date of receipt of the representation. I leave open the contentions of petitioner.

The Writ Petition is disposed of as above.

K. M. JOSEPH, JUDGE

kbk.